

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1529.00
COMPLAINT INVESTIGATOR:	Roger Hubbard
DATE OF COMPLAINT:	February 17, 2000
DATE OF REPORT:	March 7, 2000
REQUEST FOR RECONSIDERATION:	yes (revisions to original report are underscored)
DATE OF CLOSURE:	April 27, 2000

COMPLAINT ISSUE:

Whether the MSD of Washington Township violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to implement the accommodations (supports) as identified.

FINDINGS OF FACT:

1. The Student is nine years old, in the third grade and is eligible for special education and related services as a student with a hearing impairment and communication disorder.
2. An annual case review was held on May 19, 1999. The IEP states that the teacher is to provide a vocabulary list to the parent at the beginning of each unit of study.
3. The parent did not receive vocabulary lists consistently as defined in the Student's May 19, 1999, IEP.
4. A CCC meeting was held on December 3, 1999, to review the Student's triennial data. The goals and objectives were developed, and supports were identified to fulfill the IEP.
5. The parent issued a letter to the school psychologist on December 7, 1999, regarding supports that were discussed but omitted from the December 3, 1999, IEP. A CCC meeting was scheduled for January 11, 2000, to review the December 3, 1999, IEP.
6. The CCC reconvened on January 11, 2000, and amendments were made under the supports section to include that the teacher will provide a spelling list on the Friday prior to the week of study. The narrative of supports provided at the previous case conference of December 3, 1999, was added to the January 11, 2000 case conference report.
7. The first Friday following the January 11th CCC was January 14th. No spelling list was sent home as the subsequent school week was only three days, and no spelling test would be conducted. The teacher acknowledges she forgot to send the list on January 21st, but she attempted to remedy the situation by mailing the list to the parent. However, the address used by the teacher was incorrect, and the parent did not receive the list. The teacher provided the next list on Monday, January 31st.

CONCLUSION:

1. Finding of Facts #2 through #7 indicate that the parent was to receive a list of vocabulary words in advance as specified in the Student's May 19, 1999 IEP. The parent did not receive the vocabulary lists consistently. The January 11, 2000, IEP states that the parent is to receive a spelling list on the Friday prior to the week of study. The parent did not receive a list of spelling words on the Friday as required by the IEP during the month of January. Therefore, a violation of 511 IAC 7-12-1 is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusion listed above.

CORRECTIVE ACTION:

The MSD of Washington Township shall:

1. Ensure that the spelling lists are provided to the parent on the Friday prior to the week the spelling test will be conducted.
2. Reconvene the CCC no later than April 28, 2000 to review the supports to be provided to the Student and to ensure that the staff responsible for such supports are aware of their responsibility. If the CCC determines that the teacher will continue to provide a spelling list to the parent on a particular day of the week, the CCC shall include in the IEP a system to document that this occurs as stated in the IEP (e.g. having the parent sign and date the list and return it to the school). The school shall provide the Division with a copy of the CCC Report/IEP no later than May 5, 2000.